

The Honorable RICHARD A. JONES  
U.S. Magistrate Judge MICHELLE L. PETERSON

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MICHAEL ROGERS, *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF CHILDREN, YOUTH  
and FAMILIES (DCYF); *et al.*,

Defendants.

NO. C21-5248-RAJ-MLP

STIPULATED MOTION TO  
EXTEND TIME TO FILE  
OBJECTIONS TO ORDER ISSUED  
BY MAGISTRATE JUDGE  
PETERSON (DKT. #91)

**NOTE ON MOTION CALENDAR:  
OCTOBER 25, 2021**

**I. STIPULATION**

The parties, by and through their respective attorneys of record, hereby stipulate to the following:

1. The parties agree to amend the time allowing for objections under FED. R. CIV. P. 72 to be filed regarding Magistrate Judge Peterson's Order (Dkt. # 91) to accommodate Defendants' counsel's schedule during this week and next week.

2. This agreement was the product of meet-and-confer conferences occurring on October 19 and 20, 2021 that also included discussions related to ongoing discovery. Defendants need additional time to prepare and submit objections to Dkt. #91 beyond the 14 days allowed under FED. R. CIV. P. 72 for reasons that include: (1) counsel's attendance at a memorial service for a family member out of state; (2) time spent by counsel in this matter preparing for a meet-and-confer regarding discovery on October 19, 2021 requested by Plaintiffs' counsel on

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ATTORNEY GENERAL OF WASHINGTON  
7141 Cleanwater Dr SW  
PO Box 40124  
Olympia, WA 98504-0124  
(360) 586-6565

October 8, 2021; (3) two of counsel's absence during the week of October 25 due to vacation or CLE attendance; (4) Defendants' counsel's building will be closed during the next two weeks for renovation; and (5) counsel's preparation of a brief in the state court of appeals in another matter. Defendants' objections will not include challenges to the Court's analysis in Dkt. # 91 under *Ex Parte Young*, in light of Plaintiffs' proposed amended complaint. Dkt. # 91 at 9:1 to 10:15.

3. Based on the above, the deadline for filing Defendants' objections to Dkt. # 91 should be extended from October 26, 2021 to November 9, 2021. Because Defendants' objections will not include further challenges under *Ex Parte Young* to Dkt. #91 at 9:1 to 10:15, Plaintiffs should proceed on their proposed amended complaint. Filing of the amended complaint should occur within 30 days of the Court's order approving the stipulation, including provisions for filing of an accurate redlined version of the amended complaint.

4. Plaintiffs maintain their position that neither this stipulation, nor any objections to be filed by Defendants, in any way limit Plaintiffs' ability to obtain discovery that they have already sought and will continue to seek going forward.

RESPECTFULLY SUBMITTED this 25th day of October, 2021.

COLUMBIA LEGAL SERVICES

ROBERT W. FERGUSON  
Attorney General

s/ Sarah R. Nagy  
SARAH R. NAGY, WSBA No. 52806  
BONNIE A. LINVILLE, WSBA No. 49361  
NICHOLAS B. STRALEY, WSBA No. 25963  
ALISON S. BILOW, WSBA No. 49823  
101 Yesler Way, Suite 300  
Seattle, WA 98104  
Telephone: (206) 464-0838

*Attorneys for Plaintiffs*

s/ Daniel J. Judge  
DANIEL J. JUDGE, WSBA No. 17392  
*Senior Counsel*  
ANNE MILLER, WSBA No. 48355  
WILLIAM MCGINTY, WSBA No. 41868  
CINDY J. GADDIS, WSBA No. 49788  
*Assistant Attorneys General*

*Attorneys for Defendants*

**II. ORDER**

IT IS HEREBY ORDERED that:

1. The stipulation of the parties is APPROVED AND ADOPTED.
2. Plaintiffs' deadline for filing objections under FED. R. CIV. P. 72 to Dkt. # 91 under the above stipulation is EXTENDED from October 26, 2021 to November 9, 2021.
3. Consistent with Dkt. # 91 at 8, n. 4, Plaintiffs shall file an accurate redlined version of their proposed amended complaint within 7 days following the entry of this Order.
4. Plaintiffs shall file their amended complaint within 30 days following the entry of this Order.

Dated this 26th day of October, 2021.



MICHELLE L. PETERSON  
United States Magistrate Judge

Presented by:

ROBERT W. FERGUSON  
Attorney General

s/ Daniel J. Judge  
DANIEL J. JUDGE, WSBA No. 17392  
*Senior Counsel*  
ANNE MILLER, WSBA No. 48355  
WILLIAM MCGINTY, WSBA No. 41868  
CINDY J. GADDIS, WSBA No. 49788  
*Assistant Attorneys General*

Office of the Attorney General  
7141 Cleanwater Drive SW  
PO Box 40124  
Olympia, WA 98504-0124  
Telephone: (360) 586-6565  
Fax: (360) 586-6657  
Email: [Daniel.Judge@atg.wa.gov](mailto:Daniel.Judge@atg.wa.gov)  
[Anne.Miller@atg.wa.gov](mailto:Anne.Miller@atg.wa.gov)  
[William.McGinty@atg.wa.gov](mailto:William.McGinty@atg.wa.gov)  
[Cindy.Gaddis@atg.wa.gov](mailto:Cindy.Gaddis@atg.wa.gov)

*Attorneys for Defendants*

1 Approved for Entry by:

2 COLUMBIA LEGAL SERVICES

3 s/ Sarah R. Nagy

4 SARAH R. NAGY, WSBA No. 52806

5 BONNIE A. LINVILLE, WSBA No. 49361

6 NICHOLAS B. STRALEY, WSBA No. 25963

7 ALISON S. BILOW, WSBA No. 49823

8 101 Yesler Way, Suite 300

9 Seattle, WA 98104

10 Telephone: (206) 464-0838

11 Email: [Sarah.Nagy@Columbialegal.org](mailto:Sarah.Nagy@Columbialegal.org)

12 [Bonnie.Linville@Columbialegal.org](mailto:Bonnie.Linville@Columbialegal.org)

13 [Nick.Straley@Columbialegal.org](mailto:Nick.Straley@Columbialegal.org)

14 [Alison.Bilow@Columbialegal.org](mailto:Alison.Bilow@Columbialegal.org)

15 *Attorneys for Plaintiffs*